

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION**

DONALD J. ROBERTS, II, <i>et al.</i> ,)	
)	
Plaintiffs,)	Civil Action No. 20-cv-____
)	
v.)	
)	
U.S. JUSTICE DEPARTMENT, <i>et al.</i> ,)	
)	
Defendants.)	
)	
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Verified Declaration of Donald J. Roberts, II

1. My name is Donald J. Roberts, II. I am a U.S. citizen and Michigan resident. The events or omissions giving rise to my lawsuit occurred in Roscommon County, Michigan. I make this declaration in support of the Complaint for Declaratory and Injunctive Relief. If called as a witness, I can testify to the truth of the statements contained therein.

2. I possess a valid unexpired Michigan Concealed Pistol License (CPL) issued on March 16, 2016 and expires on February 24, 2021, and would like to have the freedom now and in the future to purchase firearms at federally licensed firearms (FFL) dealers in Michigan using that CPL license, as permitted and

provided for under federal law, in lieu of submitting to an FBI NICS background check.

3. On Saturday March 7, 2020, I entered H&H Fireworks, Guns and Sporting Goods at 8979 W. Houghton Lake Dr., Houghton Lake, MI 48629, located in Roscommon County, Michigan, for the purpose of purchasing a shotgun with my unexpired Michigan CPL. H&H holds a federal firearms License. I presented my unexpired Michigan CPL for the purpose of purchasing the firearm and was advised that sale of the firearm using my CPL could not be completed unless I submitted to a FBI NICS criminal background check consistent with the ATF's Michigan Public Safety Advisory ("Michigan PSA"). More than a substantial part of the events or omissions giving rise to my suit occurred in Roscommon County.

4. I also became informed that Michigan FFLs are now required to conduct a NICS background check prior to the transfer of a firearm to a non-licensee, even if that individual possesses a valid, unexpired CPL.

5. I am a member of Plaintiff Gun Owners of America who also seeks relief herein. If the injunction sought is not granted, unexpired Michigan CPL holders, GOA's members and supporters will be irreparably harmed, as their legal alternative to initiating a NICS background check prior to transferring a firearm to

them as a Michigan CPL holder will be denied, and moreover, they will have no choice but to be subjected to an unnecessary federal NICS background check, all in contravention of federal law.

6. If unexpired Michigan CPL holders, GOA's members and supporters choose not to comply with this unlawful requirement, they will be deprived of the right to purchase firearms from federally licensed dealers.

I, Donald J. Roberts II, certify under penalty of perjury that the foregoing is true and correct.

Donald J. Roberts II

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Donald J. Roberts